

Exhibit E

TIMBER ROCK RAILROAD

WAIVER OF HEARING

Date: September 5, 2009

To: Ricky Paine

Dear Mr. Paine:

I, Ricky Paine, hereby waive my right to a formal hearing and accept without protest a fifteen (15) day suspension from service in that while I was working as a conductor on the Jasper Turn (Job # TIBR222) on August 28, 2009 in Jasper, Texas, I failed to remove a derail on track 3205 before a shoving move, which resulting in car TBOX 660548 derailing which caused extensive damage to the car and lading. I further understand that my actions have resulted in the violation of the following parts of the GCOR:

General Code of Operating Rules

1.1.1 Maintaining a Safe Course

1.1.2 Alert and Attentive

1.6 Conduct

1. Careless of the safety of themselves and others

2. Negligent

7.1 Switching Safely and Efficiently

7.4 Precautions for Coupling or Moving Cars or Engines

7.5 Testing Handbrakes

7.6 Securing Cars or Engines

I understand that this (15 day) suspension and all deferred time (15 days) shall be served starting August 28th. If another incident of similar nature occurs within 730 calendar days from the date of this incident (August 28, 2009) the future discipline will result in my termination of employment.

Employee Signature: Ricky Paine

Date: 9-5-09

Company Official: [Signature]

Date: 9-5-09